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Rise Action Fund, Institute for a Progressive Nevada, and Nevada Alliance
for Retired Americans

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA

REPUBLICAN NATIONAL COMMITTEE,
NEVADA REPUBLICAN PARTY, and
SCOTT JOHNSTON,

Plaintiffs,

v.

FRANCISCO AGUILAR, in his official
capacity as Nevada Secretary of State;
LORENA PORTILLO, in her official capacity
as the Registrar of Voters for Clark County;
WILLIAM “SCOTT” HOEN, AMY
BURGANS, STACI LINDBERG, and JIM
HINDLE, in their official capacities as County
Clerks,

Defendants.

Case No. 2:24-cv-00518-CDS-MDC

**INTERVENOR-DEFENDANTS’
MOTION FOR LEAVE TO
SUPPLEMENT AUTHORITIES**

Intervenor-Defendants move the Court, pursuant to Local Rule 7-2(g), for leave to cite supplemental authority, attached as Exhibit 1, in support of their pending Motion to Dismiss Plaintiffs' Second Amended Complaint. ECF No. 136. The proposed supplemental authority—*Drouillard v. Roberts*, No. 24-CV-06969-CRB, ECF No. 42 (N.D. Cal., Jan. 27, 2025) (Breyer, J.)—is a decision of a sister district court within the Ninth Circuit dismissing a substantially similar NVRA claim to the one made here.

In *Drouillard*, plaintiffs challenged a county's alleged failure to remove ineligible voters as required by the NVRA. Ex. 1 at 1. The district court found both that plaintiffs lacked standing and that they failed to sufficiently allege a violation of the NVRA. *Id.* at 3-8. As to standing, the decision affirms that allegations of vote dilution and undermined confidence in the integrity of elections are too generalized and speculative to confer Article III standing. *Id.* at 3-6. Such alleged injuries are "plainly inadequate" to confer standing because they generalized grievances that can be raised by any voter. *Id.* at 4. It further noted the Ninth Circuit has found vote dilution injuries like the one pled here "not actionable." *Id.* (citing *Election Integrity Project California, Inc. v. Webster*, 113 F.4th 1072, 1085-87 (9th Cir. 2024)).

The court also found plaintiffs failed to state an NVRA claim. *Id.* at 6-8. It emphasized that results-based allegations focused solely on the number of potentially ineligible voters on the rolls—just like those offered by Plaintiffs in this case—are "conclusory" and insufficient to state an NVRA violation. *Id.* at 7. Instead, a complaint must allege a *specific* inadequacy in a defendant's list maintenance efforts, including by "alleg[ing] *how* Defendants' voter list maintenance programs violate the NVRA." *Id.* (emphasis added). As here, the *Drouillard* plaintiffs failed to allege that "the [state] Elections Code fails to comply with the NVRA, that Defendants have failed to implement the [state] Elections Code, or even that [any] county has failed to satisfy the NVRA's safe harbor provision." *Id.*

Intervenor-Defendants respectfully submit that *Drouillard* further supports dismissal of the Second Amended Complaint here.

1 Dated: February 5, 2025

Respectfully submitted,

2 **ELIAS LAW GROUP LLP**

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4 By: /s/ David R. Fox

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